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TAGS: [ASEC](#) [AMGT](#) [IZ](#)  
SUBJECT: REQUEST FOR GUIDANCE - PSC OVERSIGHT

11. (U) This is an action request - See paragraph 11.

12. (SBU) Summary: Post remains strongly committed to taking actions necessary for meeting the mandates and intent of USG law, policies, and procedures for sound private security contractor (PSC) oversight. To continue moving forward and based on actual experience, a number of issues have been identified requiring resolution and clarification including defining the roles and responsibilities of other DOS bureaus and offices in PSC oversight. The active participation of other Department stakeholders is essential and we urge their involvement in this effort. Consideration should also be given to shifting PSC oversight functions (other than WPPS security providers) to DOD. Doing so realizes a number positive outcomes including diminishing the possibility of confrontations involving the use of force, and collectively meeting Congressional mandates in a cost effective manner. Determining RSO resource requirements for PSC oversight, particularly in relation to its other core missions is another important factor for consideration. In light of the above, Post requests clear guidance and direction concerning the following four key issues:

-- The role, responsibility, and authorities RSO Baghdad has for the oversight of DOS/Chief of Mission (COM) affiliated PSCs.

-- The scope of PSCs falling under DOS/COM oversight.

-- The roles, responsibilities, and most importantly, authorities DOS bureaus and offices, and COM agencies have for carrying out PSC oversight.

-- The assets and resources that are required by RSO Baghdad in order to establish and carry out a viable PSC oversight program.

RSO is fully committed to providing a safe and secure environment, but an unstable security environment combined with other factors dictates continuing reliance on PSC assets. Resolution of these issues, along with other key components, is essential for successfully implementing a viable PSC oversight regime. End summary.

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Background and Message Objective  
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13. (SBU) PSCs are vital to providing security services and activities supporting USG efforts in Iraq. With few exceptions, these services are delivered professionally under difficult and dangerous conditions. However, since September 2007, PSCs, and their affiliated USG agencies, have come under intense government, public, and media scrutiny and review, a process which is still ongoing. To strengthen oversight of PSCs, DOS, the Department of Defense (DOD), and Congress took action to propose and implement laws, regulations, directives, memorandums of agreement and understanding (MOAs & MOUs), and instructions, resulting in a collective body of policy and mandates for the oversight of private

security contractors. To meet these policy mandates Diplomatic Security (DS) established the position of Coordinator for Armed Contractor Oversight at RSO Baghdad, formed a Force Investigation Unit to investigate PSC related incidents, assigned DS Special Agents as agents in charge of Worldwide Personnel Protective Service (WPPS) Chief of Mission (COM) protective security details (PSDs), conducted quarterly meetings of the Regional Security Office (RSO) Baghdad - Multinational Forces Iraq (MNF-I) - USAID Joint Incident Review Board, and enhanced engagement with key Iraqi Ministry of Interior (MOI) officials concerning PSC operations and issues including conducting joint investigations of PSCs involving serious incidents.

¶4. (U) However, a number of issues have yet to be resolved, decisions made, and policy and guidance formulated with respect to oversight of DOS/COM affiliated PSCs. The objectives of this Action Message are to identify and seek guidance on core issues, discuss leveraging DOD PSC oversight capabilities and capacity for oversight of DOS/COM affiliated PSCs, and request clear policy and direction on the role, responsibilities and authorities of the RSO and other Department of State stakeholders in the oversight of DOS/COM affiliated private security contractors.

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RSO Role in PSC Oversight and Other Stakeholders  
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¶5. (U) The collective body of policy governing PSC oversight identifies DS, and by extension RSO Baghdad, as having a major role in carrying out PSC oversight in the field. What is now required are clearly defined objectives and responsibilities, along with the requisite authorities and resources necessary for implementing a PSC oversight program. Determining programmatic responsibility for PSC oversight must also extend beyond DS and RSO Baghdad to other DOS offices and Bureaus having equities, responsibilities, and most importantly the inherent authorities and subject matter expertise necessary for leveraging PSC compliance with applicable policies, procedures, and standards for private security contractor operations outside of the United States. The active participation of other Department stakeholders is essential and we urge their involvement.

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Leveraging DOD Capabilities and Capacity for Oversight of PSCs  
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¶6. (SBU) As the transition to greater Iraqi control and responsibility for governmental functions continues moving forward, DOD is reassessing its mission in Iraq, along with the tasks and functions it has been performing. However, along with maintaining a presence in Iraq, DOD is expected to require some level of PSC provided security services. At the same time, a number of DOS/COM affiliated agencies and activities in Iraq also will require private security contractor services necessary for sustaining a broad range of American efforts, initiatives, and programs in Iraq.

¶7. (SBU) The collective DOS - DOD need for PSC services, along with shared responsibilities for exercising appropriate PSC oversight, makes this an opportune time to raise the subject of shifting greater control for oversight of private security operations, other than private security providers working under WPPS contracts, to DOD. By shifting the majority of PSC oversight to DOD, along with a commitment of requisite DOS resources, a number of mutually beneficial, cost effective, and positive outcomes are realized, including:

-- Centralizing oversight, maintaining uniformity of standards and procedures, and combining resources reduces the possibility of future confrontations, including those involving the use of force, from occurring;

-- Collectively (DOD - DOS) meeting Congressional mandates for PSC oversight;

-- Serving as a force multiplier by which each agency is able to meet its PSC oversight responsibilities in a cost constructive, resource efficient and collaborative manner;

- Leveraging resources and subject matter expertise (e.g. DS investigative skills and capabilities, and depth of DOD contracting resources and expertise) in a mutually supportive manner;
- Sharing in the preservation of critical DOD PSC oversight infrastructure (e.g. the MNC-I Contractors Operations Cell - CONOC);
- Leveraging DOD access to Iraqi military leadership to deconflict issues involving PSCs and other GOI ministries;
- Meeting the intent of the December 2007 DOD - DOS MOA calling for unity of effort;
- Deconflicting DOS and DOD policies, procedures and instruction;
- Meeting the GOI preference for simplified and uniform operating procedures;
- Establishing uniform and theatre-wide PSC arming certification, authorization, and documentation procedures;
- Providing USG, GOI, and private security contractor stakeholders with a single source of authority and point of contact for PSC issues and operations; and
- Creating an exportable operational model for PSC oversight for utilization in areas requiring enhanced PSC services and operations.

¶8. (SBU) In the context of a DS initiative, the concept of placing DOS/COM affiliated PSCs (other than WPPS) under DOD oversight programs was raised at a working level meeting with DOD/MNF-I counterparts in Baghdad June 1. The meeting was highly cordial and representative of the continued strong working relationship that exists between RSO and DOD counterparts concerning PSC matters. However, before any discussion concerning the transfer of PSC oversight functions can take place in Baghdad, executive engagement and buy-in at the Washington, DC level has to take place, and guidance and direction communicated to the respective DOS - DOD elements on the ground.

¶9. (SBU) In a discussion with Multi-National Forces Iraq June 24 regarding the text of this message, it was explained that the concept of DOD assuming a greater role in oversight of DOS/COM affiliated PSCs comes at a time when the U.S. Military is reducing its presence and moving to the formation of a combined U.S. Forces Iraq. For these reasons, they are not prepared to take on a new and enduring mission, i.e. oversight of DOS/COM affiliated PSCs. Looking to the future, the counterpart opined the concept will be for the Department of State, in conjunction with the Government of Iraq to take on a greater role in PSC oversight and that increasing GOI capacity in this area should be a focus of the effort. For these reasons, the counterpart stated that they "non-concurred" with this cable, specifically with those areas suggesting DOD undertake greater responsibility for the oversight of the non-WPPS PSCs.

Resources

¶10. (SBU) DOS/COM affiliated PSCs currently employ a collective force of over 6,000 armed personnel working for a number of private security contractors throughout Iraq. The resource implications of undertaking oversight of a force of this size and scope have to be considered in the context of the mandated requirements for the oversight of USG private security contractors, including those having a DOS/COM affiliation. Measured against scope and mandate, it becomes obvious that neither RSO nor Post have the resources, personnel, and infrastructure necessary for establishing and maintaining an effective PSC oversight program throughout Iraq, while still being able to effectively perform other critical missions. Based upon experience and knowledge of this subject gained over the past year, we believe that establishing and maintaining a viable PSC oversight program is achievable, particularly by taking a coordinated, multi-disciplined approach to this problem and drawing on the expertise, resources, and authorities of other stakeholders. But in relation to its other missions and core programs, RSO Baghdad

at this time has neither the authorities nor the resources necessary for undertaking oversight of PSCs beyond the WPPS program. Nor is it possible to identify resource requirements without first having the framework of a program to serve as a point of reference.

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Issues for Decision and Action Request  
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¶11. (SBU) Action Request. Post requests clear guidance and direction on the following four issues:

ISSUE FOR DECISION 1 - The role, responsibility, and authorities RSO Baghdad has for the oversight of DOS/COM affiliated private security contractors.

Action Request:

-- Develop and promulgate clear and unambiguous policy clearly defining the role, responsibilities, and authorities of RSO Baghdad for PSC oversight.

ISSUE FOR DECISION 2 - The scope of PSCs falling under DOS/COM oversight.

Action Request:

-- Develop clear and unambiguous policy regarding which categories of PSCs come under DOS/COM oversight, i.e. prime contractors, subcontractors, PSCs providing security to grantees, implementing partners and other USG award recipients, and internal security components of non-PSC organizations and businesses.

ISSUE FOR DECISION 3 - The roles, responsibilities, and most importantly, authorities DOS bureaus and offices, including RSO and DS, and COM agencies have for carrying out PSC oversight.

Action Request:

-- Identify DOS bureaus and offices (including RSO and DS), and COM agencies having PSC oversight responsibilities;  
-- Establish and promulgate policy clearly defining the scope, applicability and responsibilities of PSC oversight with respect to Qapplicability and responsibilities of PSC oversight with respect to DOS/COM entities;  
-- Clarify the authorities, roles, and responsibilities of these entities;  
-- Integrate these DOS/COM entities into PSC oversight; and  
-- Obtain commitments for theater and/or Washington based resources from these DOS/COM entities dedicated to PSC oversight.

ISSUE FOR DECISION 4 - The assets and resources required by RSO Baghdad in order to establish and carry out a viable PSC oversight program.

Action Request:

-- In close collaboration with RSO Baghdad, determine the resources necessary for exercising oversight of COM affiliated PSCs in Iraq personnel; and  
-- Commit to putting in place the resources necessary for carrying out PSC oversight, both at RSO Baghdad and at the Washington level.

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Conclusion  
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¶12. (SBU) RSO is unwavering in its commitment to pursue its mission of providing a safe and secure environment for the conduct of diplomacy and advancement of American interests in Iraq. In looking to the future, an unstable security environment, a reduction of U.S. Military forces in Iraq, and continuing global demands for DS personnel and resources will dictate continued reliance on PSCs for essential security services. Providing the requisite oversight of these PSCs requires three key components:

-- Clearly defined PSC oversight program objectives, authorities,

roles, and responsibilities;

-- Buy-in and active engagement by other DOS and USG partners and stakeholders; and

-- Processes, mechanisms, and resources necessary for execution.  
All three of these components are critical, and mutually dependent upon one another for successfully implementing a viable PSC oversight regime.

13. (U) POC is Regional Security Office Baghdad.

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